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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,967	10/24/2003	Renne Cano	321-001	1848

33354 7590 11/29/2005

ETHERTON LAW GROUP, LLC
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PHOENIX, AZ 85008

EXAMINER

FERGUSON, MICHAEL P

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	10/692,967	CANO ET AL.	
	Examiner	Art Unit	
	Michael P. Ferguson	3679	

All participants (applicant, applicant's representative, PTO personnel):

(1) Michael P. Ferguson. (3)_____.

(2) J. Damon Ashcraft. (4)_____.

Date of Interview: 17 November 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____.

Claim(s) discussed: 21,27,28,31 and 34.

Identification of prior art discussed: Romberg (US 3,845,804), Dobson (US 4,666,129) and Catalano et al. (US 2,990,880).

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

up

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Attorney suggested further amending proposed claim 28 to include the limitations of proposed claims 21 and 27, and further amending proposed claim 34 to include the limitations of proposed claim 31; such claims reciting a barrier system comprising a frame with a top, bottom and two side portions, a planar barrier comprised of a plurality of strips with barbs or razors, and two barrier sheets attached to the interior and exterior side of the frame that cover the planar barrier. Such limitations would overcome the current rejections of Dobson (US 4,666,129) and Catalano et al. (US 2,990,880). Further search and consideration is required. Proposed amendment attached.

Re: Proposed Claim Amendments
SN: 10/692,967
Customer No. 33354

**ETHERTON LAW GROUP LLC**

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Examiner Michael P. Ferguson

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Re: Proposed Claim Amendments

Appl. No: 10/692,967

Atty File: 321-001

FROM: J. Damon Ashcraft, Reg. No. 51,024

FAX: 602-681-3339

PHONE: 602-681-3331

PAGES: 7 including cover

DATE: November 16, 2005

Examiner Ferguson:

Here are my proposed claim amendments. I look forward to speaking to you tomorrow at 4:30 EST.

1 of 7

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Re: Proposed Claim Amendments
SN: 10/692,967
Customer No. 33354

PROPOSED CLAIM AMENDMENTS

21. (currently amended) A barrier system comprising:
- a) a frame with a top, bottom, and two side portions which define an opening; and
 - b) a planar barrier disposed within the frame comprised of a plurality of strips with ~~cutters~~ barbs that is operable in the plane between an extended condition whereby the planar barrier substantially covers the opening and a retracted condition whereby the planar barrier does not substantially cover the opening.
22. (previously presented) The system of claim 21 wherein the top portion of the frame is a ceiling, the bottom portion is a floor, and the two side portions are walls.
23. (previously presented) The system of claim 21 further comprising a barrier sheet that is attached to the frame that covers the planar barrier.

2 of 7

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Re: Proposed Claim Amendments

SN: 10/692,967

Customer No. 33354

24. (previously presented) The system of claim 23 wherein the barrier sheet is glass.

25. (previously presented) The system of claim 23 wherein the barrier sheet is plastic.

26. (previously presented) The system of claim 21 wherein the frame is a doorway.

27. (previously presented) The system of claim 21 wherein the frame contains a window with an interior and exterior side and the planar barrier is located on the exterior side of the window within the frame.

28. (currently amended) The system of claim 27 wherein the frame has an exterior and interior side and further comprises a sheet of glass attached to the exterior side of the frame to cover the planar barrier. further ~~comprising a sheet of glass placed on the interior side of the window that covers the planar barrier.~~

3 of 7

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Re: Proposed Claim Amendments

SN: 10/692,967

Customer No. 33354

29. (previously presented) The system of claim 21 further comprising a retraction compartment located on the frame that can receive the planar barrier when it is in the retracted condition.

30. (previously presented) The system of claim 29 wherein the retraction compartment is located on the top portion of the frame.

31. (currently amended) A barrier system to prevent access through an opening comprising:

a) a frame with a top, bottom, and two side portions which define an opening; and

b) a planar barrier disposed within the frame comprised of a plurality of strips with razors that is operable in the plane between an extended condition whereby the planar barrier substantially covers the opening and a retracted condition whereby the planar barrier does not substantially cover the opening.

~~b) a planar, accordion barrier sheet comprising a plurality of strips with cutters barbs connected to each other with rivets;~~

4 of 7

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Re: Proposed Claim Amendments

SN: 10/692,967

Customer No. 33354

e) ~~wherein the planar, accordion barrier sheet is operable in the plane between an extended condition whereby the planar, accordion barrier sheet substantially covers the opening and a retracted condition whereby the planar, accordion barrier sheet does not substantially cover the opening.~~

32. (currently amended) The system of claim 31 wherein the planar, ~~accordion barrier sheet~~ folds into equal sized, flat segments when in the retracted condition.

33. (cancelled)

34. (currently amended) The system of claim ~~33~~ 31 wherein the frame has an interior and exterior side and the system further comprises ~~comprising~~ two barrier sheets ~~located on~~ attached to the interior and exterior side of the frame that cover the planar, ~~accordion barrier sheet~~.

35. (previously presented) The system of claim 34 wherein the two barrier sheets are glass.

5 of 7

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Re: Proposed Claim Amendments

SN: 10/692,967

Customer No. 33354

36. (cancelled)

37. (cancelled)

38. (currently amended) The system of claim 31 further comprising a retraction compartment that can receive the planar, ~~accordion~~-barrier sheet when it is in the retracted condition.

39. (currently amended) The system of claim ~~33~~ 31 further comprising a retraction compartment located on the top portion of the frame that can receive the planar, ~~accordion~~-barrier sheet when it is in the retracted condition.

40. (previously amended) A barrier system attached to an opening of a building for preventing access through the opening comprising:

- a) a frame with an interior side and an exterior side that is defined by a top ceiling portion, a bottom floor portion, and two side portions;
- b) a planar barrier located between the interior and exterior sides of the frame comprised of a plurality of strips with a plurality of razors wherein the planar barrier is operable in the plane between an extended

6 of 7

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Re: Proposed Claim Amendments

SN: 10/692,967

Customer No. 33354

condition whereby the planar barrier substantially covers the opening and
a retracted condition whereby the planar barrier does not substantially
cover the opening; and

c) two glass sheets attached to both the interior side and the exterior
side of the frame to enable one glass sheet to cover one side of the planar
barrier and the other glass sheet to cover the other side of the planar
barrier.

7 of 7

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